

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

KOLIO SEVOV,)

Defendant.)

Case No.: 2:11-cr-00367-GMN-CWH

ORDER

Pending before the Court is Defendant Kolio Sevov's ("Defendant's") Motion for Production of Documents, (ECF No. 120). The Government filed a Response, (ECF No. 121). Defendant did not file a reply. For the reasons discussed below, the Court **DENIES** Defendant's Motion.

In the instant Motion, Defendant requests that the Government produce, permit, or make available for inspection and photocopying "[his] discovery as well as any evidence or paperwork pertaining to [his] current federal hold detainer and a copy of his psi/psr" pursuant to Rule 34 of the Federal Rules of Civil Procedure. (Mot. Production Documents, ECF No. 120). As a preliminary matter, the Federal Rules of Civil Procedure do not govern criminal cases. *See* Fed. R. Civ. P. 1 ("these rules govern the procedure in all civil actions and proceedings in the United States district courts"); *see also Weatherford v. Bursey*, 429 U.S. 545, 559 (1977) ("There is no general constitutional right to discovery in a criminal case, and Brady did not create one."). This case concerns Defendant's criminal offenses. Furthermore, Defendant did not file a petition for writ of habeas corpus under 28 U.S.C. § 2255. *See* Fed. R. Civ. P. 81(a)(4) (allowing a special exception in which the Federal Rules of Civil Procedure

1 “apply to proceedings for habeas corpus”). Therefore, because Defendant bases his request on
2 an inapplicable rule, the Court denies Defendant’s Motion.

3 Even if the Court could order discovery in this case, there is no active proceeding in
4 which discovery would be relevant. On September 4, 2012, Defendant pleaded guilty to the
5 federal offense of conspiracy to possess with intent to distribute oxycodone hydrochloride.
6 (Plea Agreement 2:4–11, ECF No. 48). On March 21, 2013, the Court sentenced Defendant to
7 seventy months in custody and three years of supervised release. (Min. Proceedings, ECF No.
8 67). While Defendant filed a Notice of Appeal, the Court on October 28, 2013 dismissed
9 Defendant’s Notice of Appeal pursuant to the Ninth Circuit’s Order dismissing the appeal.
10 (Order Mandate, ECF No. 78). On July 2, 2018, Defendant filed a Motion to Modify
11 Conditions of Supervised Release, which this Court denied. (Mot. Modify Conditions Release,
12 ECF No. 109); (Order Denying Mot. Modify Conditions Release, ECF No. 111). Accordingly,
13 there are no pending proceedings in this case and the time for filing a petition for writ of habeas
14 corpus under 28 U.S.C. § 2255 has expired. *See* 28 U.S.C. § 2255. Defendant, therefore, is not
15 entitled to any discovery and his request is denied.

16 Accordingly,

17 **IT IS HEREBY ORDERED** that the Court **DENIES** Defendant’s Motion for
18 Production of Documents, (ECF No. 120).

19 **DATED** this 21 day of December, 2020.

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24 Gloria M. Navarro, District Judge
25 United States District Court